IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 28TH SEPTEMBER 2006 / 6TH ASWINA 1928

OP.No. 38328 of 2002(K)

PETITIONER:
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1. PANOOR JUMATH PALLI MAHAL MUSLIM JAMA-ATH, PANOOR THROUGH TO SECRETARY K.P.ABDULLA.

2. M/S.NAJATHUL ISLAM NURSERY & L.P.SCHOOL BY ITS MANAGER, PANOOR, KANNUR.

BY ADV. SRI.A.MOHAMED MUSTAQUE

RESPONDENTS:
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1. ASST.P.F.COMMISSIONER & O.C.EMPLOYEES PROVIDENT FUND ORGANISATION, SUB REGIONAL OFFICE, V.K.COMPLEX, KANNUR.

2. THE RECOVERY OFFICER, EMPLOYEE PROVIDENT FUND ORGANIZATION, SUB REGIONAL OFFICE, KANNUR.

BY ADV. SRI.R.SUDHEER, SC, P.F.
GOVERNMENT PLEADER SRI. P.SALIM

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/09/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP 38328/2002

APPENDIX

PETITIONERS EXHIBITS

EXHIBIT P1: TRUE COPY OF THE DEMAND NOTICE DATED 09.09.2002 ISSUED BY 2ND RESPONDENT.

EXHIBIT P2: TRUE COPY OF the LAWYER NOTICE SENT BY 1ST RESPONDENT DATED 14.10.2002.

EXHIBIT P3: TRUE COPY OF THE REPLY RECEIVED BY PETITIONER DATED 15.11.2002

EXHIBIT P4: TRUE COPY OF THE ORDER NO.KR/KNR/14254/ENF:1 (01)/03 DATED 01.04.2003 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P5: TRUE COPY OF THE DEMAND NOTICE NO.KR/KNR/14254/RECOVERY/2003/613 DATED 02.05.2003 ISSUED BY THE 2ND RESPONDENT.

EXHIBITS OF 1ST RESPONDENT.

EXHIBIT R1(a) AND R1(b): TRUE COPY OF THE NOTICE DATED 16.10.2001 AND POSTAL ACKNOWLEDGMENT CARD DATED 17.10.2001 EVIDENCING RECIEPT OF R1(a) BY THE HEADMASTER OF THE SECOND PETITIONER.

EXHIBIT R1(c) AND R1(d): TRUE COPY OF THE PROCEEDINGS DATED 12.12.2001 PASSED BY THE FIRST RESPONDENT AND POSTAL ACKNOWLEDGMENT CARD EVIDENCING RECEIPT THEREOF BY THE EHADMASTER OF THE 2ND PETITIONER.

//TRUE COPY//

OP NO.38328/2002

ORDERS IN I.A.NO.7103/2003 & C.M.P.NO.64628/2002 IN O.P.NO.38328/2002

DISMISSED

28.09.2006 **Sd/-**
C.N.RAMACHANDRAN NAIR, JUDGE

C.N.RAMACHANDRAN NAIR, J.

O.P. NO. 38328 OF 2002 K

Dated this the 28th day of September, 2006

J U D G M E N T

Petitioner is challenging recovery proceedings for recovery of damages demanded by the first respondent under Section 14 (B) of the Provident Fund Act. Even though the case of the petitioner is that no notice was issued prior to proceeding for recovery for damages, counsel for the first respondent has filed counter affidavit along with copies of acknowledgment of service of notice and order on the petition. In the circumstances, the allegations are baseless. So far as the quantum of penalty is concerned also, I do not find any scope for interference because petitioner is a chronic defaulter and delay in payment ranges from two years to three years. Therefore, OP is devoid of any merit and is dismissed.

C.N.RAMACHANDRAN NAIR,
JUDGE

Rp

RSA